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Hon. Timothy W. Dore
Chapter: 7
Location: Seattle
Hearing Date: July 26, 2019
Hearing Time: 9:30 a.m.

4 Attorneys for Wapato Entities

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8 UNITED STATES BANKRUPTCY COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 In re:
12 EL-LO-WEE CONDOMINIUM
13 ASSOCIATION,
14 Debtor.

Case No. 19-10026-TWD

**WRIGHT-WAPATO'S REPLY IN
SUPPORT OF OBJECTION TO
CLAIM NO. 3**

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16 Lake Chelan Reclamation District filed no opposition to Wapato Point Management
17 Company's objection to the District's claim. The Chapter 7 Trustee, however, stated that he could
18 not determine if the District has been paid in full. Wright-Wapato files this reply brief to address
19 the Trustee's question.

20 When a party objects to a claim, the bankruptcy court's task is to "determine the amount
21 of such claim in lawful currency of the United States as of the date of the filing of the petition."
22 11 U.S.C. § 502(b). The District's claim included unpaid utility charges and late fees that were
23 due after the commencement of this case. (*See* Decl. of Scott Hutchinson in Support of Claims
24 Objections, Dkt #44, Ex. F.)¹ While it is perhaps arguable whether any of the District's claim is a

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26 ¹ The original filing inadvertently omitted from Exhibit F a copy of the check from Wright-Wapato. Counsel has filed
a praecipe correcting the error.

1 valid pre-petition claim, the late charges undoubtedly were not part of the District's claim as of
2 the petition date. *See* 11 U.S.C. § 502(b); *see also In re Elec. Mach. Enterprises, Inc.*, 371 B.R.
3 549, 550 (Bankr. M.D. Fla. 2007) (providing four reasons why unsecured creditors cannot recover
4 fees, charges, and costs that accrue post-petition).

5 The District itself has conceded that its claim should be disallowed. It filed no response to
6 Wright-Wapato's objection. Instead, the District's representatives asked the undersigned for some
7 guidance in filing a withdrawal of the District's claim. (*See* Declaration of Amit D. Ranade in
8 Support of Claim Objections, Ex. A.) In short, the District is satisfied and apparently no longer
9 pursuing the claim it filed in this case.

10 The Court should disallow Claim No. 3.

11 DATED this 23rd day of July, 2019.

12 HILLIS CLARK MARTIN & PETERSON P.S.
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REPLY IN SUPPORT OF OBJECTION TO CLAIM NO. 3 - 2

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